

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
UNITED STATES GOVERNMENT
MEMORANDUM

DATE: August 15, 2008

REPLY TO

ATTN OF: Clerk of Court

SUBJECT: Use of Real Property in Posting Bonds

TO: Attorneys in Criminal Matters

Whenever a judge or magistrate orders bond of a particular amount and directs the sureties to justify their worth to the clerk and they attempt to do so by use of real property routine requirements are as follows:

- 1.) A title search to the property by a licensed attorney of the jurisdiction in which the property is located, affirming that the surety is the record owner of the property. This title search must list all encumbrances and their current pay out.
- 2.) An appraisal of the property by a licensed real estate appraiser in the area.
- 3.) A recorded deed of trust naming Dennis P. Iavarone, Clerk as trustee and the United States of America as beneficiary pledging the property to secure the defendant's appearance.
- 4.) The surety(s) signature on the appearance bond.

The defendant shall remain in custody until the required documents are filed with the clerk's office.

(The court may order a date specific for posting property documents with the clerk's office at the bond hearing.)

The court may order further that the surety and all titled owners in the real property execute an affidavit attesting to the ownership, value and validity of lien documents.